

MEMORANDUM OF AGREEMENT

This memorandum of Agreement entered into between the International Union of Operating Engineers Local 463 of Niagara Falls, New York and:

Your Company's Name, Address & Phone number

This memorandum is made April 12, 2000 by and between the Western New York Region Labor Relations Division, AGC and IUOE Local 463.

All terms and conditions of the 1997-2000 Heavy - Highway Agreement between the parties remain unchanged except as follows:

1. Delete all reference to: Apprentice Engineers; Firemen. Add: Junior Engineers.
2. Article VI - Definitions - Section 3 and Article XXX - Wage Rates and Classifications. Add: Automatic Fine Grade Machine - Class A; Concrete Polishing Machine - Class A; Decontamination of all Machines when machine needs to be operated - Class A; Horizontal Directional Drill - Class A; Horizontal Directional Drill Locator - Class A; Operation and Maintenance of all Robotic Remote Systems in Hazardous Environment - Class A; Tower Crane - Class A; Self - Contained Drill, Excluding Track Drill - Class A; All Terrain Vehicle with attachment / all wheel or track types / customarily used by Operating Engineers / excluding transportation of workmen - Class B; Grout Machine and Grout Pumps / excluding material loading - Class B; Tug Bows - Marine Equipment / all types irrespective of size and motive power - Class A; Tower Crane Junior Engineer - Class C.
3. Article VII - Hours of Work - Section 7. Change to read: if time is lost during the week as a result of inclement weather, all actual hours worked up to twelve (12) hours per day during the period of five (5) days, Monday through Friday, can be used to make up forty (40) hours.
4. Article VIII - Paid Holidays and Sundays - Section 1. Renumber to Section 1 (a). Delete: If the holiday falls on Saturday, it will be celebrated on Saturday. Employees who work a Saturday holiday shall be paid double time plus the holiday pay.
Add new Section 1 (b) to read: If the holiday falls on Saturday, it will be celebrated on Saturday. Employees who work a Saturday holiday shall be paid double time plus the holiday pay.
Add new Section 1 (c) to read: When a holiday falls on a Saturday, the Employer has the option to either work Friday and pay Saturday as the holiday, or, not work Friday and pay the day in lieu of the holiday.
5. Article VIII - Section 5 (a). Move to Article VII - Hours of Work and add to Section 8. Renumber Section 5 (b) and change to read: If an employee is ordered out to work on Sunday...
6. Article IX - Pay - Section 2. Change to read: If, for any reason, the employer terminates the services of an employee working under this Agreement, he shall be paid in full at the time of termination, except that an employee may be paid by check mailed within twenty - four (24) hours.
7. Article XI - Apprentice Engineers. Change to read: Junior Engineers.
8. Article XV - Miscellaneous - Section 2. Change to read: Electric pumps need not be manned. In the event that the employer desires to man electric pumps, an engineer shall be assigned.
9. Article XVII - Hazardous Waste - Radiation. Add Section 1 (b) to read: When an employee is required to wear full - air apparatus, he shall receive his regular hourly rate plus \$4.00 per hour.
10. Article XXVI - Subcontracting. Add new Section 5 to read: By mutual agreement, an employer may subcontract to non - Signatory specialty subcontractors, and use his best efforts to arrange a pre - job conference.
11. Article XXVIII - Non - Discrimination in Employment. Add: The use of masculine or feminine gender in this Agreement shall be construed as including both genders.
12. Article XXX - Wage Rates and Classifications. Add new Classification A - 1: \$1.00 per hour in addition to Class A rate for all Lattice boom cranes and all other cranes over forty (40) ton capacity (in addition to long boom rate, where applicable).
13. Article XXX - Delete Class D. Add to Class C: Junior Engineer shall be employed on all Cranes, Draglines, Dredges over sixty (60) tons.
14. Article VII - Section 11. Change to read: During the period November 1 - April 30, there shall be a twenty - four (24) hour guarantee, Monday through Friday. If an employee is called out to work, he is guaranteed twenty - four (24) hours or the number of eight (8) hour days remaining between the day of hiring and Friday, whichever is less. The guarantee may be terminated by layoff. In such case, the employee shall receive at least eight (8) hours pay for each day, from date of hire until the date of shutdown or layoff.
15. Article XI - Section 2 (a). Change to read: No Junior engineer required on a crane sixty (60) tons and under.
16. Article X - Master Mechanics, Assistant Master Mechanics, Maintenance Engineers. Add new Section 8 - Lead Operator: A Lead Operator shall be Employed on any one shift or project in lieu of a Master Mechanic if there is no maintenance, equipment repair or mechanical work required. The Lead Operator shall operate equipment and shall assist the prime contractor in the coordination of Operating Engineers work on the project site. If there is minor maintenance, equipment repair or mechanical work to be done, the Lead Operator, if qualified, shall perform this work. The Lead Operator shall receive the Master Mechanic rate of pay. If it becomes necessary to employ a full time mechanic, the Lead Operator shall be replaced by a Master Mechanic pursuant to Sections 1 through 7 above.
17. Four (4) year Agreement - April 1, 2000 - March 31, 2004
18. Gross wage rate increases:

Effective July 1, 2000	\$1.36 for each classification
Effective July 1, 2001	\$1.26 for each classification
Effective July 1, 2002	\$1.26 for each classification
Effective July 1, 2003 - June 30, 2004	\$1.26 for each classification

Contractor - Authorized Officer / Title

Ronnie K. Baker, B.A.
Local 463 Authorized Officer / Title

Date

6-19-2000

Date

Union

Wage Rates and Classifications
Effective July 1, 2000 through June 30, 2001

CLASSIFICATION:	PER HOUR	PER DAY	PER WEEK	1 and 1/2	2x
Master Mechanic	\$ 24.21	\$ 193.68	\$ 968.40	\$ 43.67	\$ 63.12
Assist. Master Mechanic	\$ 23.21	\$ 185.68	\$ 928.40	\$ 42.17	\$ 61.12
Classification "AI"	\$ 23.44	\$ 187.52	\$ 937.60	\$ 42.51	\$ 61.58
Classification "A"	\$ 22.44	\$ 179.52	\$ 897.60	\$ 41.01	\$ 59.58
Classification "B"	\$ 20.73	\$ 165.84	\$ 829.20	\$ 38.45	\$ 56.16
Classification "C"	\$ 16.53	\$ 132.24	\$ 661.20	\$ 32.15	\$ 47.76

Hazardous Waste Rate: \$2.50

Full Air Rate: \$4.00

Lattice Boom Rate: \$1.00 included in Classification "AI" for all lattice boom cranes, and all other cranes over forty (40) ton capacity. (in addition to long boom rate when applicable-)

Long Boom Rate: \$ 1.00 Add to Base Rate Over 100 feet
 \$ 1.50 Add to Base Rate Over 200 feet
 \$ 2.00 Add to Base Rate Over 300 feet

Please Note: The weighted fringes are added to the pay on over-time hours. For your convenience these amounts are included in the above rates. These amounts are then to be deducted and remitted to Local 463 W.D. & O.E. Fund as a payroll deduction.

	1.5X	2x	3x
\$	7.35	\$ 14.70	\$ 29.40

Fringe Benefits:

Health and Welfare	\$ 4.60
Upstate Pension	\$ 3.10
Training Fund	\$ 0.55
Central Pension Fund	\$ 3.10
Personal Account Plan	\$ 3.35
Total Fringe Package	\$ 10.70

Deductions:

* Local 463 W.D. & O.E. Fund	5.50% of the Gross wages
** Local 463 W.D. & O.E. Fund	\$7.35/\$14.70/\$29.40 1.5 X - 2 X - 3X (an overtime hours only)
-- Local 463 P.E.F.	\$.09 per hour

* The 5.50% is included in the above rate of wages, and should be deducted and remitted to the IUOE Local 463 WD & OE Fund.

** The \$7.35/\$14.70/\$29.40 is included in the above rate of wages, and should be deducted and remitted to the IUOE Local 463 WD & OE Fund. (OVERTIME HOURS ONLY)

*** The \$.09 is included in the above rate of wages, and should be deducted and remitted to the IUOE Local 463 Political Education Fund.

I. **U.O.E. Local 463 Dues** Check - off

HEAVY / HIGHWAY

Effective July 1, 2000 through June 30, 2001

Contractor Name: _____

Address: _____

City, State, Zip _____

Phone: _____ Fax: _____

Job Location: _____ Job #: _____

Period worked: _____ through _____

Note: To compute column 7, add columns 4 & 5

[illegible]

tal of column 9 times \$37.14 ***

Line 1 \$ _____

is one (1) times 5.5 % (this is the total amount due to I.U.O.E. Local 463) \$_____

\$37.14 (this rate is the hourly wage of \$22.44 plus the total fringe package which is \$14.70)

mit this original form, and a check payable to:

**I.U.O.E. Local 463
3363 Ridge Road
Ransomville, NY 14131**

ned: _____

Title: _____

IF EMPLOYER DOES CHECK - OFF MUST BE RECEIVED AT THE I.U.O.E. LOCAL 463 OFFICE ON OR BEFORE THE 15TH OF THE MONTH FOLLOWING THE MONTH IN WHICH THE HOURS WERE WORKED. REPORTS RECEIVED AFTER THAT DATE WILL BE CONSIDERED DELINQUENT.

If more forms are needed or questions, please contact the I.U.O.E. Local 463 office at (716) 434-3327.

LRD - Associated General Contractors of America - I.U.O.E. Local 463
 Wage Rates and Classifications July 1, 1999 through June 30, 2000

CLASSIFICATION	PER HOUR	PER DAY	PER WEEK	1 and 1/2	2X
Master Mechanic	\$ 23.15	\$ 185.20	\$ 928.00	\$ 41.93	\$ 60.70
Assist. Master Mechanic	\$ 22.15	\$ 177.20	\$ 886.00	\$ 40.43	\$ 58.70
"A" Classification	\$ 21.38	\$ 171.04	\$ 855.20	\$ 39.27	\$ 57.16
"B" Classification	\$ 19.87	\$ 157.38	\$ 786.80	\$ 38.71	\$ 53.74
Truck Crane Apprentice	\$ 15.47	\$ 123.78	\$ 618.80	\$ 30.41	\$ 45.34
Apprentice Engineer	\$ 13.30	\$ 106.40	\$ 532.00	\$ 27.15	\$ 41.00

Hazardous Waste Rate \$2.50

Long Boom Rate:

Including and over 100 feet	\$ 1.00	Add to Base Rate
Including and over 200 feet	\$ 1.50	Add to Base Rate
Including and over 300 feet	\$ 2.00	Add to Base Rate

Please Note: The weighted fringes are added to the pay on over-time hours. For your convenience these amounts are included in the above rates. These amounts are then to be deducted and remitted to Local 463 W.D. & O.E. Fund as a payroll deduction.

	1.5X	2X	3X
\$	7.20	\$ 14.40	\$ 28.80

Fringe Benefits:

Health and Welfare	\$ 4.80
Upstate Pension	\$ 2.95
Training Fund	\$ 0.55
Central Pension Fund	\$ 3.10
Personal Account Plan	\$ 3.20
Total Fringe Package	\$ 14.40

Deductions:

* Local 463 W.D. & O.E. Fund	4.75% of gross wages
** Local 463 W.D. & O.E. Fund	\$7.20-\$14.40-\$28.80 1. 1.5 X - 2 X - 3X (on overtime hours only)
*** Local 463 P.E.F.	\$.03 per hour

- * The 4.75% is included in the above rate of wages, and should be remitted to the IUOE Local 463 W.D. & O.E. Fund.
- ** The \$7.20-\$14.40 and \$28.80 is included in the above rates of pay (over-time hours only) and should be deducted and paid to the Local 463 W.D. & O.E. Fund.
- *** The \$.03 per hour to Local 463 P.E.F. is included in the above rates of pay and should be deducted and paid to Local 463 P.E.F. Fund.

HEAVY / HIGHWAY

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[1] NAME OF EMPLOYEE	[2] SOCIAL SECURITY NUMBER	[3] GROSS WAGES	[4] S/T HRS	[5] O/T HRS	[6] D/T HRS	[7] T/T HRS	[8] HOURS PAID	[9] TOTAL HOURS
TOTALS:								

TOTAL P.06

**FACSIMILE MESSAGE**

Corporate Headquarters
EA Engineering, Science, and Technology, Inc.
110 19 McCormick Road
Hunt Valley, Maryland 21031
Telephone: 410-584-7000
FAX: 410-527-1068

PLEASE DELIVER TO:

Name: Ray Pilon
Company/Department: USACE - Baltimore
Phone: _____ Fax: (716) 879-2355

If you do not receive all pages clearly, please call Michelle at ext. 2345 as soon as possible.

SENT BY:

Name: Brenda Henne
Date: 6/21/00 Time: 3:45 A.M. (P.M.)
Number of pages (including Transmittal Sheet): _____
Project No. _____ Task No. _____ Dept. No. _____

BRIEF MESSAGE: